

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MEENA TEJWANI,

05 - 10699 NMG

Plaintiff,

Civil Action No.:

v.

NOTICE OF REMOVAL

AMERADA HESS CORPORATION,

Defendant.

(Superior Court Department of the Trial
Court, Essex County, Commonwealth of
Massachusetts, Civil Action No. 5-0298)

MAGISTRATE JUDGE Alexander

RECEIPT # 163348
AMOUNT \$ 50
SUMMONS ISSUED AK
LOCAL RULE 4.1 AK
WAIVER FORM AK
MCF ISSUED AK
BY DPTY. CLK. AK
DATE 4/7/05

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441(a) and 1446, Defendant Amerada Hess Corporation (“Hess” or “the Company”), by its undersigned counsel, respectfully notices removal of this action from the Superior Court Department of the Trial Court, Essex County, Massachusetts, to the United States District Court for the District of Massachusetts, by filing of this Notice of Removal with the Clerk of the United States District Court for the District of Massachusetts.

Hess, by and through its undersigned attorneys, respectfully states the following grounds as the basis for removal of this action:

1. On or about February 22, 2005, Plaintiff Meena Tejwani filed an action in the Superior Court Department of the Trial Court, Essex County, Massachusetts, entitled *Meena Tejwani v. Amerada Hess Corporation*, which was assigned Civil Action No. 5-0298 (the “State Court Action”).

2. On or about March 9, 2005, Hess was served with a copy of the Summons and Complaint in the State Court Action by certified mail. (A copy of the Summons and Complaint is annexed hereto as "Exhibit 1"). No other process, pleadings or orders have been received by or served on Hess in the State Court Action.

3. This Notice of Removal is being filed within 30 days after Hess received a copy of the Summons and Complaint in the State Court Action, and, therefore, is timely filed pursuant to 28 U.S.C. § 1446(b).

4. This action is removable pursuant to 28 U.S.C. § 1441(a). It is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, in that there is complete diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

JURISDICTION EXISTS UNDER 28 U.S.C. § 1332

The Parties are Diverse

5. According to Paragraph 1 of the Complaint, Plaintiff Meena Tejawani resides at 28 Atlantic Avenue in Marblehead, Massachusetts. (Compl. ¶ 1). Thus, upon information and belief, Tejawani is now, and at the time the State Court Action was commenced was, a citizen of the state of Massachusetts.

6. Hess is a corporation organized and existing under the laws of the state of Delaware with its principal place of business located in the state of New York at 1185 Avenue of the Americas, New York, NY. Accordingly, pursuant to 28 U.S.C. § 1332, at the time the State Court Action was commenced, and at all times since then, Hess was and is a citizen of the states of Delaware and New York.

7. Plaintiff acknowledges that Hess is incorporated in Delaware and that its principal place of business is in New York. (Compl. ¶ 2).

8. Thus, complete diversity of citizenship exists in the State Court Action.

The Amount in Controversy Reasonably Exceeds \$75,000

9. For this Court to have subject matter jurisdiction based on diversity of citizenship, the amount in controversy must exceed the sum or value of \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a).

10. In the State Court Action, Plaintiff alleges a claim of disability discrimination and seeks compensatory and punitive damages, emotional distress damages, treble damages, attorney's fees, and other relief. (Compl. "WHEREFORE" clause following ¶ 18).

11. In the Civil Action Cover Sheet filed by the Plaintiff in the State Court Action, Plaintiff calculates her damages at \$300,000. (A copy of the Civil Action Cover Sheet is annexed hereto as "Exhibit 2").

12. A jury in the State Court Action could find that Plaintiff's damages exceed \$75,000 exclusive of costs and interest.

13. Plaintiffs' State Court Action is, therefore, an action of a civil nature between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and may be removed to this Court pursuant to the provisions of 28.U.S.C. §§ 1441(a) and 1446.

14. Upon the filing of this Notice of Removal, Hess will give written notice thereof to Judith A. Miller, Esq. of Attardo and Miller LLP, attorney for the Plaintiff. Hess will also file copies of this Notice with the Clerk, Superior Court Department of the Trial Court, Essex County, Massachusetts. Accompanying this Notice of Removal is a Civil Cover Sheet and a check in the amount of \$250.00 for the required filing fee.


WHEREFORE, Defendant Amerada Hess Corporation respectfully prays that this action proceed in this Court as a matter properly removed thereto.

Dated: April 7, 2005
Boston, Massachusetts

Respectfully submitted,

AMERADA HESS CORPORATION
DEFENDANT

By its attorneys,



Mark W. Batten (BBO No. 566211)
Eben A. Krim (BBO No. 652506)
PROSKAUER ROSE LLP
One International Place, 22nd Floor
Boston, MA 02110-2600
Tel: (617) 526-9850
Fax: (617) 526-9899

TO: ATTORNEY FOR PLAINTIFF
Judith A. Miller
Attardo and Miller LLP
220 Boylston Street, Suite 101
Chestnut Hill, MA 02467
Telephone: (617) 969-2900

(TO PLAINTIFF'S ATTORNEY: Please Circle Type of Action Involved: - TORT - MOTOR VEHICLE TORT - CONTRACT - EQUITABLE RELIEF - OTHER.)

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

B

SUPERIOR COURT
CIVIL ACTION
No. **5 0298**

Meena Tejawani

Plaintiff(s)

v.

Anerada Hess Corporation

Defendant(s)

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve upon Judith A. Miller, Attardo and Miller LLP, plaintiff's attorney, whose address is 220 Boylston St., Suite 101, Chestnut Hill, MA 02467, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Essex County either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Barbara J. Rouse

WITNESS, [Redacted], Esquire, at Salem, the
day of _____, in the year of our Lord two thousand

Thomas H. Driscoll Jr.
Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

NOTICE TO DEFENDANT - You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT

B

ESSEX, ss.

5 0298

MEENA TEJWANI,

Plaintiff,

v.

AMERADA HESS CORPORATION,

Defendant.

CIVIL ACTION NO.

COMPLAINT

1. The Plaintiff, Meena Tejwani, is an individual who resides at 28 Atlantic Avenue, in Marblehead, Massachusetts.

2. The Defendant, Amerada Hess Corporation, is a Delaware corporation with a principal place of business at 1185 Avenue of the Americas, New York, NY, 10063.

3. The Plaintiff began working for the Defendant on December 24, 2001 as a management trainee in the Defendant's Beverly, Massachusetts store. After completing her training, she became the manager of another store north of Boston, Massachusetts.

4. At the end of February 2002, The Plaintiff was diagnosed with breast cancer. On February 28, 2002, the Plaintiff began a leave of absence to receive treatment for her cancer.

5. The Plaintiff returned to work during the second week of September 2002, as a manager in the Tewksbury store.

6. On about November 1, 2002, the Defendant transferred Plaintiff to a store in Haverhill, Massachusetts.

- 2 -

7. As the manager of this store, Plaintiff did an excellent job. She was able to dramatically improve the store's appearance, and she increased the store's sales significantly.

8. As a reward for her good performance, the Defendant gave Plaintiff a bonus for the fourth quarter of 2002.

9. At the end of January, 2003, the Plaintiff was transferred to the Defendant's Malden store, which was a gas station without a convenience store and which had a manager in place.

10. At the time of the transfer to the Malden store, the Division Manager, Scott Bushell, told the Plaintiff that he planned to terminate the manager in the Saugus store and that he would transfer her from Malden to Saugus in the next few weeks, after the termination occurred.

11. The Plaintiff was concerned about the transfer to the Malden store, particularly since there were two managers for the small Malden location where she was working, so she called the manager in Tewksbury to ask him what she should do.

12. The Tewksbury manager told Plaintiff that when she returned from her leave of absence, his boss, Shawn Lord, and the Senior Marketing representative, Ernie (last name unknown) talked to him about why she was placed in Tewksbury. Apparently, Mr. Lord and Ernie told this manager that they had to bring the Plaintiff back to work in order to avoid a lawsuit, but that they intended to terminate her. The implication was that the Defendant did not want someone with a disability working as a manager.

13. About 1½ weeks after the Defendant transferred Plaintiff to Malden, Mr. Bushell told her that the Defendant was terminating her employment. When Mr. Bushell told her she

- 3 -

was being terminated, it was clear that the Defendant did not want her because they believed that she was disabled due to breast cancer.

14. At the time of Plaintiff's termination, Mr. Bushell told her that she was a good manager and that he would give her a good reference. He also told her that she looked tired and that, after the surgery she had undergone, she should go home and think about whether she really wanted to work for the Defendant.

15. The Defendant terminated Plaintiff's employment because she had a disability (cancer), and because Defendant perceived her to be disabled as the result of having breast cancer.

16. On October 28, 2003, Plaintiff filed a charge of discrimination against the Defendant with the Massachusetts Commission Against Discrimination.

15. By letter dated October 18, 2004, Plaintiff requested to withdraw her discrimination charge against the Defendant for the purpose of filing this action, and she received a right to sue letter from the Massachusetts Commission Against Discrimination on October 29, 2004.

17. By terminating Plaintiff's employment because she is disabled or because Defendant perceived her as being disabled, Defendant discriminated against Plaintiff because of her disability in violation of the Massachusetts Anti-Discrimination Statute, Mass. Gen. Laws ch. 151B, § 4 ("Chapter 151B").

18. As the result of Defendant's actions, Plaintiff has lost wages and suffered extreme emotional distress.

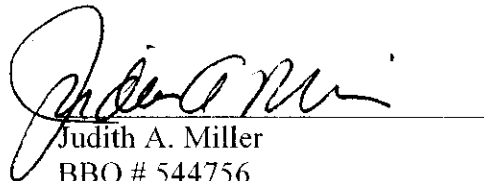
- 4 -

WHEREFORE, Plaintiff demands judgment in her favor and for compensatory damages, emotional distress damages, punitive damages, treble damages, attorney's fees, interest and costs and for such other relief as the court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY OF ALL ISSUES IN HER COMPLAINT

MEENA TEJWANI

By Her Attorney,

A handwritten signature in black ink, appearing to read "Judith A. Miller", is written over a horizontal line.

Judith A. Miller

BBO # 544756

Attardo and Miller LLP

220 Boylston Street, Suite 101

Chestnut Hill, MA 02467

617-969-2900

DATED: February 17, 2005

**CIVIL ACTION
COVER SHEET**

DOCKET NO. (S)

Case 1:05-cv-10699-NMG

Document 1-3

Filed 04/07/10

Court of Massachusetts Page 1 of 1

Superior Court DepartmentCounty: **Essex****PLAINTIFF(S)****MEENA TEJWANI****DEFENDANT(S)****AMERADA HESS CORPORATION****ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE****Judith A. Miller, Attardo and Miller LLP****220 Boylston Street, Suite 101****Chestnut Hill, MA 02467****617-969-2900****Board of Bar Overseers number: 544756****ATTORNEY (if known)****UNKNOWN****Origin code and track designation**

Place an x in one box only:

☒ 1. F01 Original Complaint

2. F02 Removal to Sup.Ct. C.231,s.104

(Before trial) (F)

3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)

4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)

5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P.60) (X)

6. E10 Summary Process Appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)**CODE NO.****TYPE OF ACTION (specify)****TRACK****IS THIS A JURY CASE?**B22Employment Discrimination

(F)

(X) Yes

() No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

A. Documented medical expenses to date:

1. Total hospital expenses

2. Total Doctor expenses

3. Total chiropractic expenses

4. Total physical therapy expenses

5. Total other expenses (describe)

\$

\$

\$

\$

\$

Subtotal \$**B. Documented lost wages and compensation to date****C. Documented property damages to date****D. Reasonably anticipated future medical and hospital expenses****E. Reasonably anticipated lost wages****F. Other documented items of damages (describe)**

\$

\$

\$

\$

\$

G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

\$

\$

TOTAL \$**CONTRACT CLAIMS**

(Attach additional sheets as necessary)

Provide a detailed description of claim(s): Defendant terminated Plaintiff's employment because of a disability (cancer) and/or Defendant perceived her as having a disability, in violation of MGLA ch. 151B, § 4

TOTAL \$ 300,000**PLEASE IDENTIFY, BY CASE NUMBER, NAME**

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

DATE

2/17/05

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Meena Tejwani v. Amerada Hess Corporation
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 480, 480, 490, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
4. Has a prior action between the same parties and based on the same claim ever been filed in this court? YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403) YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party? YES ☐ NO ☐
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284? YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)). YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
Eastern Division ☐ Central Division ☐ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
Eastern Division ☒ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions) YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Eben A. KrimADDRESS Proskauer Rose LLP, One International Place, 22nd Floor, Boston, MA 02110TELEPHONE NO. (617) 526-9600

(CategoryForm.wpd - 2/15/05)

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS MEENA TEJWANI (b) County of Residence of First Listed Plaintiff <u>Essex</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) Judith A. Miller, Attardo & Miller LLP, 220 Boylston Street, Suite 101, Chestnut Hill, MA 02467, (617) 969-2900	DEFENDANTS AMERADA HESS CORPORATION County of Residence of First Listed Defendant <u>Delaware</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) Eben A. Krim, Proskauer Rose LLP, One International Place, 22nd Floor, Boston, MA 02110 (617) 526-9600
---	--

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width: 100%;"> <tr> <td style="width: 33%;">Citizen of This State</td> <td style="width: 33%;">PTF <input checked="" type="checkbox"/> 1 DEF <input type="checkbox"/> 1</td> <td style="width: 33%;">Incorporated or Principal Place of Business In This State</td> <td style="width: 33%;">PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td>PTF <input type="checkbox"/> 5 DEF <input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input checked="" type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	PTF <input type="checkbox"/> 5 DEF <input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input checked="" type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4										
Citizen of Another State	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	PTF <input type="checkbox"/> 5 DEF <input checked="" type="checkbox"/> 5										
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6										

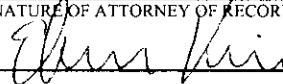
IV. NATURE OF SUIT (Place an "X" in One Box Only)	
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition
FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	

V. ORIGIN (Place an "X" in One Box Only)							
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment	

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity): <u>28 U.S.C. Sections 1441(a) and 1446</u> Brief description of cause: <u>Employment discrimination: complete diversity of citizenship</u>
----------------------------	---

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ <u>300,000.00</u>	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------------	--	---------------------------------------	---

VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____	DOCKET NUMBER _____
-------------------------------------	---------------------------------	---------------------

DATE <u>4/7/05</u>	SIGNATURE OF ATTORNEY OF RECORD 
-----------------------	--

FOR OFFICE USE ONLY	RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____
---------------------	-----------------	--------------	--------------------	-------------	------------------